

Remarks:

This amendment is a response to the Office Action mailed on January 10, 2006.

In the Office Action, the Examiner objected to claim 1 as being indefinite in that claim 1 recites the limitation “said inner rail” which lacks sufficient antecedent basis in the claim. Also, the Examiner indicated that the limitation “having a uniform thickness and elevation mounted” appears to be incomplete. Applicant has amended claim 1 to overcome the rejections under 35 U.S.C. §112. In addition, the Examiner rejected claims 1-5 and 8-10 under 35 U.S.C. §102(b) as being anticipated by Domke. Applicant has amended claim 1 to more clearly define the patentable subject matter. Specifically, Applicant has amended claim 1 to indicate that the inner rail member is a separate structure from the base which must be attached by an adhesive layer to both the base and the flexible film. As such, an adhesive layer does not form the inner rail member. The inner rail member comprises a material other than an adhesive. The Domke reference does not disclose or suggest this structure or the structure, as a whole, as defined in claim 1 and the claims that depend from it.

Claim 1 defines the claimed combination of the inner rail member having a uniform thickness and elevation mounted on said base wherein the inner rail is positioned between the film and the base. The position of the inner rail member of claim 1 provides a passage or channel for the gases to escape. By placing the inner rail between the base and the film further provides for the necessary movement of the flexible film to permit gas to pass through the passageway. The Domke structure does not include an inner rail member located between the flexible film and the base which is attached by an adhesive layer to both the flexible film and the self-supporting base. Domke places the “spacer strips” 13, 14

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above the film rather than between the film and the base. Domke simply does not employ an inner rail located between the flexible film and the base and connected by an adhesive layer to both the flexible film and the base.

Domke depicts exterior spacer strips 13 and 14, which are located on top of the flexible film. By positioning the spacer strips 13 and 14 of Domke above the flexible film, the spacer strips are likely to become snared on other packaging which may cause the valve to become detached from the substrate. By placing the inner rail between the flexible film and the base, the inner rails cannot become snarled with other packaging material. The claimed configuration provides a significant benefit over the prior art Domke patent.

Additionally, Domke does not teach the use of an inner rail member having a sufficient thickness to permit the flexible film to move from said open position where the flexible film does not contact the self-supporting member to a closed position where the flexible film does contact the self-supporting base. The claimed structural configuration permits the flexible film to move between an open and closed position without the use of the exterior rails or spacer strips depicted in the Domke patent.

Accordingly, the Applicant respectfully requests reconsideration and allowance of claims 1-5 and 8-10 of the pending application.

Respectfully submitted,



Dean D. Niro
Reg. No. 36,881

NIRO SCAVONE HALLER & NIRO
181 W. Madison Street, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

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